

Conditions voluntarily proffered for the reclassification of property identified as a portion of York County Assessor's Parcel 024 128 (7307 George Washington Memorial Hwy.) and York County Assessor's Parcel 024 133 (122 Whites Road), both located in the County of York, Virginia

March 25, 2004

I voluntarily proffer that the development of the property owned by me proposed for reclassification under this application shall be in strict accordance with the conditions set forth below.

A. The property shall not be used for any of the following primary uses allowed (either by right or by Special Use Permit) in the IL, Limited Industrial District:

1. crop/livestock farming
2. animal hospital with outside runs
3. farmer's market
4. outdoor health/fitness center
5. hardware/paint store
6. lumberyard, building materials
7. dry cleaner, laundromat, tailor
8. household items repair
9. small engine repair
10. tool, household equipment, lawn & garden equipment rentals
11. auto repair garage
12. auto body work
13. car & truck sales, rental & service
14. heavy truck & equipment sales, rental & repair
15. farm equipment sales, rental & repair
16. marine railway, boat building & repair
17. truck terminal
18. bus/rail terminal
19. taxi/limousine service
20. bus service & repair
21. warehousing, moving & storage
22. wholesale trade establishment with outside storage
23. institutional laundry/dry cleaning
24. recycling center or plant
25. machine shops & fabricators
26. manufacture & assembly of:
 - a. cosmetics, pharmaceuticals
 - b. pottery & ceramics
 - c. products made from paper, plastic, wood, paint, fiber, rubber, leather, fur, hair, yarn

27. horse keeping
28. private kennel
29. forestry
30. animal shelter
31. correctional facility other than county jail
32. indoor firing range
33. golf driving range
34. theme park, amphitheater
35. bait, tackle, marine supplies sales
36. auto & truck sales with body work & painting
37. truck stop
38. towing service
39. seafood receiving, packing
40. petroleum products bulk storage/retail distribution
41. stone monument sales, processing
42. chemicals & paint manufacturing
43. sawmill/firewood splitting & sales

B. Contractor storage yards with outside storage shall only be allowed subject to the following conditions:

1. Contractor storage yards with outside storage shall only be allowed for use by Kenneth Dale Moore or any entity controlled by Kenneth Dale Moore
2. The hours of equipment operation shall be limited to 8:00 am until 7:00 pm
3. The size of outside contractor's equipment storage shall be limited to 12,000 square feet of yard space
4. Any outside storage of contractor's equipment shall be enclosed within an opaque fence of not less than 8 feet in height
5. There shall be planted a staggered double row of evergreen trees with a minimum height of 5 feet at planting along the common border with the adjoining, occupied residential properties located at 108 and 110 Whites Road.

C. The only uses that shall be allowed directly behind the 2 occupied dwellings located at 108 Whites Road and 110 Whites Road shall be mini-storage warehouses or a contractor's storage yard subject to the conditions contained in paragraph B, above.

D. The property shall not be used for a towing or auto-impound facility, however storage of the following vehicles shall specifically be allowed:

1. operative automobiles and trucks
2. boats
3. recreational vehicles

E. These proffers supercede the proffer statement dated March 5, 2004 for this property.

AGREED BY:

Owners of Assessor's Parcel 024 128 (7307 George Washington Memorial Hwy.):

Kenneth Edlow
Kenneth Edlow

Ralph D. Edlow

Arthur F. Edlow

Kenneth Dale Moore
Kenneth Dale Moore
(Contract Purchaser)

Owners of Assessor's Parcel 024 133 (122 Whites Road):

David M. Jernigan

Kenneth Dale Moore
(Contract Purchaser)

AGREED BY:

Owners of Assessor's Parcel 024 128 (7307 George Washington Memorial Hwy.):

Kenneth Edlow

Ralph D. Edlow
Ralph D. Edlow

Arthur F. Edlow
Arthur F. Edlow

Kenneth Dale Moore
(Contract Purchaser)

Owners of Assessor's Parcel 024 133 (122 Whites Road):

David M. Jernigan

Kenneth Dale Moore
(Contract Purchaser)

AGREED BY:

Owners of Assessor's Parcel 024 128 (7307 George Washington Memorial Hwy.):


Kenneth Edlow

Ralph D. Edlow


Arthur F. Edlow

Kenneth Dale Moore
(Contract Purchaser)

Owners of Assessor's Parcel 024 133 (122 Whites Road):



David M. Jernigan



Kenneth Dale Moore
(Contract Purchaser)